



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MEMORANDUM

Date: August 11, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Jeffrey Kibbie (applicant/owner)** — Review for acceptance and consideration of a waiver of full site plan for a change of use to permit (OHRV) Off Highway Recreational Vehicle sales. The parcel is located at 407 Daniel Webster Highway in the C-1 (Limited Commercial) and Aquifer Conservation Districts. Tax Map 5D-4, Lot 097.

Background

Map 5D-4, Lot 097 is located at 407 Daniel Webster Highway. The parcel is located in the C-1 (Limited Commercial) District at the front half and the I-1 (Industrial) District to the rear. It is also in the Aquifer Conservation District. It is approximately 0.78 acres in size and is serviced by water (MVD) and municipal sewer. The site is the home office for Custom Electric & Communications, LLC, and is abutted by a residential use to the north, a residential/office use (formerly DJ Willy) to the south, the NH Plating superfund site to the east and vacant land owned by Eversource to the west.

The petitioner, who also owns Custom Electric, seeks to establish a vehicle sales business at the subject property. Specifically, the vehicles proposed for sale are limited to off highway recreational vehicles (OHRV). The existing Custom Electric office space would be utilized for the proposed business. The vehicle display area is proposed to occupy two existing parking spaces, which would still leave enough parking spaces available to satisfy the parking requirements of both businesses located within the C-1 portion of the property.

On May 25, 2016, the applicant was granted a variance under Section 2.02.2(B)(3) of the Zoning Ordinance to permit off-highway recreational vehicle (OHRV) sales in the C-1 (Limited Commercial) and Aquifer Conservation Districts. In addition to requiring site plan review the ZBA placed the following conditions on their approval, which have been incorporated to the conditions recommended by staff below:

1. The approval is limited to off-highway recreational vehicles (OHRV) only;
2. No more than 2 parking spaces can be used for display with a maximum of 6 total OHRV's displayed at any one time;
3. No OHRV use or testing may be conducted on the property.

Completeness

Staff recommends that the Board carefully consider whether or not to accept the application and determine if it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision. Staff recommends that the Board

determine if annotations to a previous plan is sufficient to justify the waiver of full site plan review. The Board will need to determine if the presented plan is satisfactory, if the applicant can make additional changes to make it satisfactory or if a plan prepared by a licensed professional is more appropriate for this site and proposed use.

Waivers

The applicant has requested a waiver of full site plan review, but no other waivers have been requested. **Staff recommends a sidewalk waiver be submitted in writing** per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination by the Board that it is unnecessary with the waiver of full site plan review.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Parking

The existing office use was required to have 1 space per 200 s.f., which calculated to 6 spaces. The proposed OHRV sales use would require 1 space per 300 s.f. of indoor office area, plus 1 space per 1,500 s.f. of outdoor storage, plus 4 spaces per service bay. The required parking would be 4 spaces based on the office area, plus 1 space for the outdoor storage and no spaces for the service bays since there won't be any. Total parking for the site between both uses is 11 spaces. 11 spaces are designated on the plan to the front of the building, although from a practicality standpoint the space identified as #11 would not be usable if the parking lot were filled to capacity. However, a gravel parking area is shown to the rear of the building with ample space to support both businesses.

Recommendation

Should the Board grant the waiver of full site plan review, staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including Section and date granted) and/or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
4. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
5. The applicant shall address any forthcoming comments from the Building Department, as applicable;

6. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
7. The applicant shall address any forthcoming comments from the Highway Division, as applicable;
8. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
9. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
10. The applicant shall address the following Planning Staff Technical Comments:
 - a. The following items shall be added to the plan:
 - i. Identity and signature of the current owner;
 - ii. Purpose statement;
 - iii. All applicable zones to be noted (C-1, I-1 and Aquifer Conservation);
 - iv. Updated parking calculation to reflect both the existing and proposed uses;
 - v. Water & sewer sources;
 - vi. Information pertaining to variance history for this site, including dates and any conditions of approval;
 - vii. Blank Planning Board signature block for current approval;

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The approval is limited to off-highway recreational vehicles (OHRV) only;
2. No more than 2 parking spaces can be used for display with a maximum of 6 total OHRV's displayed at any one time;
3. No OHRV use or testing may be conducted on the property.

Ec: Jeffrey Kibbie, Applicant & Owner (jeffk@customelectricnh.com)
John Manuele, Merrimack Fire Department
Assessing Department Staff
Building Department Staff
Highway Division Staff
Wastewater Division Staff
Merrimack Conservation Commission

Cc: Planning Board File
Correspondence
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